



JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAR 15 2005

FILED
CLERK'S OFFICE

DOCKET NO. 1629

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION
IN RE NEURONTIN MARKETING AND SALES PRACTICES
LITIGATION

Assurant Health, Inc., et al. v. Pfizer, Inc., et al., D. New Jersey, C.A. No. 2:05-95

ORDER LIFTING STAY OF CONDITIONAL TRANSFER ORDER

A conditional transfer order was filed in this action (*Assurant*) on February 8, 2005. Prior to expiration of that order's fifteen-day stay of transmittal, plaintiffs in *Assurant* filed a notice of opposition to the proposed transfer. Plaintiffs subsequently failed to file the required motion and brief to vacate the conditional transfer order.

IT IS THEREFORE ORDERED that the stay of the Panel's conditional transfer order designated as "CTO-3" filed on February 8, 2005, is LIFTED insofar as it relates to this action, and thus the action is transferred to the District of Massachusetts for inclusion in the coordinated or consolidated pretrial proceedings under 28 U.S.C. § 1407 being conducted by the Honorable Patti B. Saris.

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

INVOLVED COUNSEL LIST
DOCKET NO. 1629
IN RE NEURONTIN MARKETING AND SALES PRACTICES LITIGATION

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ARBITRATION

**U.S. District Court
District of New Jersey [LIVE] (Newark)
CIVIL DOCKET FOR CASE #: 2:05-cv-00095-JAP-MCA**

ASSURANT HEALTH, INC. et al v. PFIZER, INC. et al
Assigned to: Judge Joel A. Pisano
Referred to: Magistrate Judge Madeline C. Arleo
Cause: 28:1441 Notice of Removal

Date Filed: 01/05/2005
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

ASSURANT HEALTH, INC.
a Wisconsin corporation

represented by **DAVID J NOVACK**
BUDD LARNER, PC
150 JOHN F. KENNEDY PARKWAY
CN1000
SHORT HILLS, NJ 07078-0999
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Email: dnovack@budd-larner.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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SHORT HILLS, NJ 07078
(973) 379-4800
Email: rcampione@budd-larner.com
ATTORNEY TO BE NOTICED

Plaintiff

**BLUE CROSS AND BLUE SHIELD
OF FLORIDA, INC.**
*a Florida corporation, and its
wholly-owned subsidiary, HEALTH
OPTIONS, INC., a Florida
corporation*

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**LOUISIANA HEALTH SERVICE
& INDEMNITY COMPANY,**
*doing business as BLUE CROSS and
BLUE SHIELD OF LOUISIANA, a
Louisiana corporation*

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**BLUE CROSS AND BLUE SHIELD
OF MASSACHUSETTS**
a Massachusetts corporation

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**BLUE CROSS AND BLUE SHIELD
OF MICHIGAN**
*and its wholly-owned subsidiary,
BLUE CARE NETWORK, INC.,
Michigan corporations*

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**BLUE CROSS AND BLUE SHIELD
OF MINNESOTA**
*a Minnesota corporation, and a
subsidiary of AWARE INTEGRATED,
INC., and its wholly-owned
subsidiaries COMPREHENSIVE
CARE SERVICES, INC., a Minnesota
corporation, FIRST PLAN OF
MINNESOTA, a Minnesota
corporation, ATRIUM HEALTH
PLAN, INC., et al*

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**GROUP HEALTH SERVICES OF
OKLAHOMA, INC.**
*doing business as BLUE CROSS AND
BLUE SHIELD OF OKLAHOMA, an
Oklahoma corporation and its
wholly-owned subsidiary GROUP
HEALTH MAINTENANCE
ORGANIZATION, INC., doing
business as BLUECLINICS HMO, an
Oklahoma corporation*

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

CAREFIRST, INC.
*a Maryland corporation, and its
wholly-owned subsidiaries,
CAREFIRST OF MARYLAND, INC., a
Maryland corporation, WILLSE &
ASSOCIATES, INC., a Maryland
corporation; CFS HEALTH GROUP,
INC., a Maryland corporation,*

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

DELMARVA HEALTH PLAN, INC., *et. al.*

Plaintiff

EXCELLUS HEALTH PLAN, INC.
a New York corporation, and its wholly-owned subsidiary EXCELLUS BENEFIT SERVICES, INC., a New York corporation; FEDERATED MUTUAL INSURANCE COMPANY, a Minnesota mutual company; HEALTH CARE SERVICE CORPORATION, an Illinois Mutual Legal Reserve Co., et. al

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

TRUSTMARK INSURANCE COMPANY,
a Delaware corporation

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

WELLCHOICE, INC.
a Delaware corporation, and its wholly-owned subsidiary EMPIRE HEALTHCHOICE ASSURANCE, INC., a New York corporation, doing business as EMPIRE BLUE CROSS BLUE SHIELD and EMPIRE EMPIRE BLUE CROSS, and its wholly-owned subsidiaries, et. al

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

WELLCHOICE INSURANCE OF NEW JERSEY, INC.
a New Jersey corporation and a wholly-owned subsidiary of EMPIRE HEALTHCHOICE ASSURANCE, INC., a New York corporation

represented by **DAVID J NOVACK**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

PFIZER, INC.
a Delaware corporation, and its wholly-owned subsidiary

represented by **RICHARD G. PLACEY**
MONTGOMERY, MCCrackEN,
WALKER & RHOADS, ESQS.

WARNER-LAMBERT COMPANY

LIBERTY VIEW, 6TH FLOOR
457 HADDONFIELD ROAD
CHERRY HILL, NJ 08002
(856) 488-7700
Email: rplacey@mmwr.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

CLINE, DAVIS & MANN, INC.
a New York corporation

represented by **JOHN A. BOYLE**
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NEWARK, NJ 07102-5211
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LEAD ATTORNEY
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NEAL H. KLAUSNER
DAVIS & GILBERT
74 SHERWOOD ROAD
TENAFLY, NJ 07670
(201)568-0250
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

LODEWIJK J.R. DE VINK
a resident of New Jersey

represented by **JOHN A. BOYLE**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

ANTHONY WILD
a resident of New Jersey

represented by **JOHN A. BOYLE**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 01/05/2005 | <u>1</u> | NOTICE OF REMOVAL by PFIZER, INC., CLINE, DAVIS & MANN, INC., LODEWIJK J.R. DE VINK, ANTHONY WILD from SUPERIOR COURT OF BERGEN COUNTY, case number L-13792-04. (Filing fee \$ 150 receipt number 328443) (Attachments: # <u>1</u> NTC. OF FILING# <u>2</u> Exhibit A# <u>3</u> Exhibit B# <u>4</u> Exhibit C)(dj,) |

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| | | Additional attachment(s) added on 1/12/2005 (dj,). (Entered: 01/11/2005) |
| 01/11/2005 | | CASE REFERRED to Arbitration. (dj,) (Entered: 01/11/2005) |
| 01/12/2005 | <u>2</u> | STATEMENT by ASSURANT HEALTH, INC.. (CAMPIONE, RONALD) (Entered: 01/12/2005) |
| 01/12/2005 | <u>3</u> | STATEMENT by ASSURANT HEALTH, INC.. (CAMPIONE, RONALD) (Entered: 01/12/2005) |
| 01/12/2005 | <u>4</u> | Application and Proposed Order for Clerk's Order to extend time to answer as to Defendants. Attorney RICHARD G. PLACEY and RICHARD G. PLACEY for PFIZER, INC. added. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Certificate of Service)(PLACEY, RICHARD) (Entered: 01/12/2005) |
| 01/12/2005 | <u>5</u> | Application and Clerk's Order to extend time to answer Granted. Attorney RICHARD G. PLACEY for PFIZER, INC. added Order extended through 1/27/05. (dh,) (Entered: 01/14/2005) |
| 01/14/2005 | <u>6</u> | NOTICE by LODEWIJK J.R. DE VINK, ANTHONY WILD re <u>1</u> Notice of Removal, <i>Joinder of Lodewijk J.R. De Vink and Anthony Wild in Notice of Removal</i> (PLACEY, RICHARD) (Entered: 01/14/2005) |
| 01/18/2005 | <u>8</u> | ORDER admitting Annemarie A. Daley, Mark Ireland and Sonya C. Seidl to appear pro hac vice on behalf of pltf., Assurant Health, Inc.. Signed by Judge Madeline C. Arleo on 1/18/05. (cs,) (Entered: 01/24/2005) |
| 01/24/2005 | <u>7</u> | STATEMENT by PFIZER, INC.. (PLACEY, RICHARD) (Entered: 01/24/2005) |
| 02/04/2005 | <u>9</u> | Notice of Intent to submit a Dispositive motion for REMAND TO THE SUPERIOR COURT OF NEW JERSEY ETC. by BLUE CROSS AND BLUE SHIELD OF MICHIGAN, BLUE CROSS AND BLUE SHIELD OF MINNESOTA, GROUP HEALTH SERVICES OF OKLAHOMA, INC., CAREFIRST, INC., EXCELLUS HEALTH PLAN, INC., TRUSTMARK INSURANCE COMPANY,, WELLCHOICE, INC., WELLCHOICE INSURANCE OF NEW JERSEY, INC., ASSURANT HEALTH, INC., BLUE CROSS AND BLUE SHIELD OF FLORIDA, INC., LOUISIANA HEALTH SERVICE & INDEMNITY COMPANY,, BLUE CROSS AND BLUE SHIELD OF MASSACHUSETTS (JB,) (Entered: 02/04/2005) |
| 02/11/2005 | <u>10</u> | Substitution of Attorney - Attorney JOHN A. BOYLE and JOHN A. BOYLE for CLINE, DAVIS & MANN, INC. and LODEWIJK J.R. DE VINK added.. (Attachments: # <u>1</u> Certificate of Service)(BOYLE, JOHN) (Entered: 02/11/2005) |
| 02/11/2005 | <u>11</u> | Substitution of Attorney - Attorney JOHN A. BOYLE and JOHN A. BOYLE for LODEWIJK J.R. DE VINK and ANTHONY WILD |

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| | | added.. (Attachments: # <u>1</u> Certificate of Service)(BOYLE, JOHN) (Entered: 02/11/2005) |
| 02/16/2005 | <u>12</u> | CONSENT ORDER admitting Scott A. Eldman, Esq. and Hung G. Ta, Esq. to appear pro hac vice on behalf of dfts., Lodewijk J. R. De Vink and Anthony Wild. Signed by Judge Madeline C. Arleo on 2/10/05. (cs,) (Entered: 02/17/2005) |
| 02/17/2005 | <u>13</u> | Notice of Intent to submit a Dispositive cross motion to defer rulling on remand pending by PFIZER, INC.and Warner-Lambert Company in oopposition to palintiffmotion to remand. (JB,) (Entered: 02/18/2005) |
| 02/17/2005 | <u>14</u> | CONSENT ORDER extending time for all dfts. to respond to Complaint and Discovery until 3/17/05. Signed by Judge Madeline C. Arleo on 2/8/05. (cs,) (Entered: 02/18/2005) |
| 02/17/2005 | | Update Answer Due Deadline as to dfts., Pfizer Inc.(Warner Lambert Co.), Lodewijk J.R. DeVink, Cline, Davis & Mann, Inc. and Anthony Wild to 3/17/05. (cs,) (Entered: 02/18/2005) |
| 02/25/2005 | <u>15</u> | MOTION to Remand by ASSURANT HEALTH, INC.. (Attachments: # <u>1</u> Brief In Support to Remand and In Opposition to Cross Motion# <u>2</u> Affidavit of David J. Novack, Esq.# <u>3</u> Exhibit A-E# <u>4</u> Exhibit F(part 1)# <u>5</u> Exhibit F(part 2)# <u>6</u> Exhibit G-I# <u>7</u> Exhibit J-K# <u>8</u> Exhibit L# <u>9</u> Text of Proposed Order # <u>10</u> Civil Cover Sheet Cover letter# <u>11</u> Brief In Opposition to Plaintiffs Motion to Remand and In Support of Cross Motion to Defer Ruling# <u>12</u> Affidavit of Richard G. Placey, Esq.# <u>13</u> Exhibit Tab 1# <u>14</u> Exhibit Tab 2# <u>15</u> Exhibit Tab 2-A# <u>16</u> Exhibit Tab 2-B# <u>17</u> Exhibit Tab 2-C# <u>18</u> Exhibit D-1# <u>19</u> Exhibit Tab 2-D2# <u>20</u> Exhibit Tab 2-D3# <u>21</u> Exhibit Tab 3# <u>22</u> Exhibit Tab 4-1# <u>23</u> Exhibit Tab 4-2# <u>24</u> Text of Proposed Order # <u>25</u> Supplement Notice of Cross Motion# <u>26</u> Certificate of Service # <u>27</u> Civil Cover Sheet Plaintiffs Cover Letter# <u>28</u> Brief Plaintiffs Reply Brief# <u>29</u> Affidavit of Ronald J. Campione, Esq.# <u>30</u> Exhibit A-E# <u>31</u> Exhibit F-G# <u>32</u> Exhibit I-K# <u>33</u> Exhibit L-M# <u>34</u> Certificate of Service)(CAMPIONE, RONALD) (Entered: 02/25/2005) |
| 03/09/2005 | | Set/Reset Deadlines as to <u>15</u> MOTION to Remand. Motion Hearing set for 3/28/2005 10:00 AM in Newark - Courtroom 2 before Judge Joel A. Pisano. MOTION SHALL BE DECEIDED PURSUANT TO RULE 78-NO APPEARANCE REQUIRED AT THIS TIME. (tt,) (Entered: 03/09/2005) |
| 03/17/2005 | <u>16</u> | Letter from Mark Ireland regarding withdrawal of Plaintiffs opposition to a MDL Conditional Transfer Order issued on 2/8/05, etc.. (dc,) (Entered: 03/18/2005) |

| Transaction Receipt | | | |
|------------------------|---------------|-------------------------|--|
| 03/21/2005 15:11:02 | | | |
| PACER Login: | us2510 | Client Code: | |
| Description: | Docket Report | Search Criteria: | 2:05-cv-00095-JAP-MCA Start date: 1/1/1970 End date: 3/21/2005 |
| Billable Pages: | 4 | Cost: | 0.32 |